

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NO. 22-12675

KINSALE INSURANCE COMPANY, :

Plaintiff/Appellee, :

vs. :

PRIDE OF ST. LUCIE LODGE 1189, :
INC., et al., :

Defendant/Appellants. :

_____ :

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Kinsale Insurance Company v. Pride of St. Lucie etc., et al.
Case No. 2:21-cv-14053-KMM

REED'S RESPONSE IN OPPOSITION TO THE
FLORIDA JUSTICE REFORM INSTITUTE AND THE
AMERICAN PROPERTY CASUALTY INSURERS ASSOCIATION
MOTIONS FOR LEAVE TO FILE AMICUS CURIAE BRIEFS
IN SUPPORT OF THE PETITION FOR REHEARING

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CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

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Blecke, James C.	Counsel for Teaira Nicole Reed
Christ, Matthew T.	Counsel for Pride of St. Lucie Lodge
Clyde & Co US LLP	Counsel for Kinsale Insurance
Colodny Fass	Counsel for APCIA
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Haggard, Michael A.	Counsel for Teaira Nicole Reed
Holland & Knight LLP	Counsel for Florida Justice Reform Institute
Kinsale Insurance Company	Plaintiff
Moore, Hon. K. Michael	U.S. District Court Judge
Podhurst Orseck, P.A.	Counsel for Pride of St. Lucie Lodge
Pride of St. Lucie Lodge 1189, Inc.	Defendant/Counterclaimant
Reed, Teaira Nicole, as Personal Representative of the Estate of Tanya Renee Oliver	Defendant/Counterclaimant

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_____ :

RESPONSE

The motions for *amicus curiae* intervention (DE 67, 69) should be denied for several reasons. First, the totality of the circumstances case law controls. This has been fully briefed and argued by the parties – and decided by this Court in its April 18, 2025, decision (DE 61). Second, the motions seek an advisory opinion on how HB 837, the admittedly inapplicable 2023 legislation, should be interpreted in the future, a purely abstract issue irrelevant to the issues raised in this appeal and decided by this Court. This appeal was decided on its case specific facts.

Kinsale served its Answer Brief on January 31, 2023 (DE 32) without special interest non-party *amicus curiae* intervention. The Appellants’ Initial and Reply Briefs (DE 23, 25, 33, 39) were likewise served without special interest non-party *amicus curiae* intervention. The APCIA’s January 12, 2024, motion to appear

as an *amicus curiae* (DE 57) in support of Kinsale’s then pending motion for certification was denied as untimely and unnecessary (DE 61, p 28). The current motions to appear as *amici curiae* are similarly unnecessary.

The only thing noteworthy in either motion is the Florida Justice Reform Institute concession (DE 67, p 23, n. 3) that *American Builders Insurance Company v. Southern-Owners Insurance Company*, 71 F.4th 847 (11th Cir. 2023), applies the “totality of the circumstances” standard in so-called “*Powell*” cases – an Eleventh Circuit precedent cited appropriately in this Court’s decision (DE 61, p 26).

CONCLUSION

The motions for *amicus curiae* intervention should be denied.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY compliance with type-volume limitations. This response is prepared in Word, Times New Roman 14 point type; and contains 248 lines of text and 987 words.

By s/ James C. Blecke
James C. Blecke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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CASE NO. 22-12675-A

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